

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2303/OF1
2.	<b>Proposed Development:</b>	ERECT CATTLE CUBICLE BUILDING INCLUDING UNDERFLOOR SLURRY STORE
3.	<b>Location:</b>	CASTLERIGG FARM, MORESBY PARKS
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to Castlerigg Farm, located north of Moresby Parks. The farm is accessed from the road leading from Moresby Parks to Distington and is located off a small access track which serves Castlerigg Farm exclusively.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought to erect a new cattle cubicle building to include an underfloor slurry store.</p> <p>The building will be 22.86m in length and be L shaped with widths of 14.94m and 8.54m to include the roof overhang. It will be 3.66m in height to the eaves level with an overall height of 5.6m to the ridge. The total floor area will be 231.11m<sup>2</sup>.</p>

The lower walls are to be reinforced concrete panels in a natural colour with the upper side cladding to be of Yorkshire type boarding. The roof will be box profile sheeting in Juniper Green corresponding to BS.12.B.29. The underfloor slurry store will have a capacity of 118 cubic metres which equates to 76 days capacity.

Access to the site will be taken from the existing access road which joins to the Moresby to Distington road.

### **RELEVANT PLANNING APPLICATION HISTORY**

4/09/2133/0 : Change of use of agricultural land for levelling of garden area to rear & improved access to transmitter - 11/05/2009 - approve (commence within 3 years)

4/13/2125/0F1 : Erection of one wind turbine (up to a maximum height of 77m to blade tip) and associated infrastructure including: turbine foundation, crane hard-standing, substation, electrical cabinet, new access track and underground cabling.

4/13/2125/0F1 : Erection of one wind turbine (up to a maximum height of 77m to blade tip) and associated infrastructure including: turbine foundation, crane hard-standing, substation, electrical cabinet, new access track and underground cabling - 16/04/2014 - Approve (commence within 3 years)

4/14/2309/0F1 : Variation of condition 9 of planning ref 4/13/2125/0f1 (erection of wind turbine) regarding noise.

4/14/2309/0F1 : Variation of condition 9 of planning ref 4/13/2125/0f1 (erection of wind turbine) regarding noise - 12/11/2014 - Approve (commence within 3 years)

4/15/2240/0F1 : Erection of general purpose building - 28/07/2015 - Approve (commence within 3 years)

4/21/2123/0F1 : Erect two storey extension to north elevation

4/21/2296/0F1: Erect agricultural general purpose workshop building.

### **CONSULTATION RESPONSES**

#### Distington Parish Council

No objections.

#### Cumbria County Highways

Taking into account the existing use of the site, it is considered that the proposal will be unlikely to have a material effect on the existing highway conditions. A PROW number 417002 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during or after the completion of the site works.

Local Lead Flood Authority

No objections, subject to a condition that requires the provision of a full surface water drainage scheme prior to the completion of the development.

Environment Agency

No objections but would like to make the following comments:-

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction.

Flood and Coastal Defence Engineer

It is proposed that the surface water is disposed of by means of a soakaway, yet no details have been supplied.

Whilst, this is probably more of a Building Regulations matter, I have concerns for a couple of reasons:

- Given the typical nature of the soil in the area (not site specific) the ground does not general tend to be suitable for surface water disposal be means of infiltration.
- The site location does not appear to provide suitable space for a soakaway, should infiltration be a suitable means of disposal.

Can you ask for more details about surface water disposal please?

There is a watercourse that runs through the farm, so there does appear to be an alternative method of surface water disposal to infiltration.

Further to the receipt of additional information, the following comments were received.

The additional information now shows the location of the proposed soakaway, whereas previously I didn't think there was room for a soakaway.

As long as the proposed soakaway complies with Building Regulations, this will be fine.

The additional plans show an overflow to the watercourse which may suggest that it isn't possible to install a suitably sized soakaway to accommodate the roof water.

It the overflow requires a new connection into the watercourse, it is likely that this will need consent from the LLFA and any discharge rate may need to be agreed.

Subject to the above being agreed, then I have no objection to the proposed development.

United Utilities

No objections.

### Environmental Health

No objections to the proposed development.

### Public Representation

The application has been advertised by way of a site notice.

No consultation responses have been received.

## **PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM30 – Rural Buildings

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

#### Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

## **ASSESSMENT**

### Principle of the development

Policy ST2 of the Copeland Local Plan sets out a spatial development strategy which seeks to allow development within the defined settlement boundary and restricts development that which has a proven requirement for such a location. The site is located close to Moresby Parks and Low Moresby, but not within any of Copeland's identified settlement boundaries. Policy ST2 allows for land uses characteristically located outside settlements within the open countryside, such as agriculture. On this basis, the principle of the development is considered to be acceptable in this location.

Policy DM30 of the Copeland Local Plan seeks to approve agricultural buildings where they are of an appropriate scale, well related to the existing farm complex or buildings and do not affect the amenity of neighbouring properties. Policies DM10 and DM30 also seek to ensure appropriate design.

### Justification for location

In accordance with criteria A of Policy DM30, the proposed agricultural building will be sited in a location within the existing farm complex. The site is brownfield land having previously been utilized for a farm building previously. The location has good access and is close to two further farm buildings and the farm house to the north and west. The building will be utilized for the existing farm activities and therefore the location within the unit is considered to be practical.

### Landscape and visual impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The application site is located within the open countryside and forms part of the existing farm complex. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 9a Intermediate Moorland and Plateau – Open Moorlands. This area is characterised by high mostly open landscape, undulating improved and unimproved pasture and open moorland. The building has been sited in close proximity to other existing agricultural buildings within the farm complex and therefore will be seen in context with the existing farm unit.

The chosen materials are typical of agricultural buildings of this type and the proposed colour of Juniper Green will soften its impact and help it to blend in to its surroundings. Due to the location within the farm yard, it is not considered to be necessary to screen the development with additional landscaping.

It is considered that the building is of an appropriate scale and design which will help to mitigate its impact upon the surrounding landscape character in accordance with criterion B, C, D and E of Policy

DM30, Policy ENV5 and Policy DM10 of the Copeland Local Plan.

#### Impact on residential amenity

Other than the farmhouse, there are no neighbouring properties, with the closest residential property 450 metres to the west of the site. Due to this separation distance, the development is unlikely to cause any harm to the occupiers' amenities. The Environment Agency and Environmental Health have raised no objections with regards to the slurry storage and have identified best practice guidance for the Applicant in order to ensure that there would be no effects on the surrounding properties. The proposal is considered to be in accordance with criteria E of Policy DM30 of the Copeland Local Plan.

#### Access

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The existing access to the south of the proposal will remain in use and unaffected by this proposal. Cumbria Highways raised no objections to the proposal stating that there is unlikely to be a material effect on the existing situation.

There is a public right of way to the south of the site, however it is unlikely to be affected by the proposal. An informative has been added by the Highway Authority to ensure that it is not blocked during or after construction. Overall, the proposal complies with Policy DM22 of the Copeland Local Plan in relation to accessibility.

#### Drainage

The applicant has stated that the surface water drainage will be disposed to a soakaway of aquavoid crates, with the overflow to go to the existing watercourse. Details of this proposal have not been included in the application, although it is acceptable in principle. The Local Lead Flood Authority have requested that full details be provided prior to the commencement of the development. This can be controlled with the use of a suitably worded planning condition. On receipt and approval of this information, it is considered that the proposal will comply with Policies ENV1 and DM24 of the Copeland Local Plan, protecting the Borough from flood risk.

#### Planning Balance and Conclusion

No objections have been received to the proposal. The principle of an agricultural building in this location is acceptable as it requires a siting outside of the Borough's defined settlements. There will be limited impact on the character and appearance of the surrounding landscape due to the

	<p>proposed siting within the farmyard. Impact on residential amenity will be limited due to the proximity of the site to the nearest other residential dwellings. Access to the site will remain as existing and the building is unlikely to create a significant impact on the surrounding road network. Full details of the surface water drainage are required to be submitted, but in principle, the proposal for a soakaway is likely to be acceptable, ensuring that the risk of flooding on site and in the surrounding area is not increased.</p> <p>The proposal complies with Policy DM30 of the Copeland Local Plan and will encourage the continued use and expansion of the working farm.</p> <p>Overall this is considered to be an acceptable form of development which accords with the policies within the adopted Local Plan the guidance set out in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li data-bbox="181 884 1507 957">1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p style="margin-left: 40px;">Reason</p> <p style="margin-left: 40px;">To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li data-bbox="181 1192 1507 1499">2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <p style="margin-left: 40px;">Site Plan, Block Plan, Floor Plans, Elevations and Section, drawing number 1702, received 29<sup>th</sup> June 2021;  Drainage Plan, scales 1:500 and 1:1250, drawing number 1702, received 20<sup>th</sup> July 2021;  Design and Access Statement, written by RA Walker, received 29<sup>th</sup> June 2021;  Drainage Information, received 20<sup>th</sup> July 2021.</p> <p style="margin-left: 40px;">Reason</p> <p style="margin-left: 40px;">To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li data-bbox="181 1734 1507 1843">3. Full details of the surface water drainage system must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational</li> </ol>

thereafter.

#### Reason

To ensure a satisfactory scheme of surface water disposal from the site in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

#### Informatives

1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

2) A PROW (public footpath) number 417002 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during or after the completion of the site works.

3) The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction.

Further guidance, including how to calculate capacity, is available at

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

and CIRIA have detailed guides on site selection, design and construction

[https://www.ciria.org/Resources/Free\\_publications/Farms.aspx?dm\\_i=3O4M,GCXL,3L5KEJ,1SCGJ,1](https://www.ciria.org/Resources/Free_publications/Farms.aspx?dm_i=3O4M,GCXL,3L5KEJ,1SCGJ,1)

#### Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: Sarah Papaleo**

**Date : 13/09/2021**

**Authorising Officer: N.J. Hayhurst**

**Date : 13/09/2021**



<b>Dedicated responses to:- N/A</b>	